

AUG 31 2009

GAMBLING COMMISSION
COMM & LEGAL DEPTSTATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE GAMBLING COMMISSIONIn the Matter of the Revocation of the
License to Conduct Gambling ActivitiesOAHfNo. 2009-GMB-0008
WSGC No. CR 2008-01766

CHARLES P. WILLIAMS

Class III Employee/Licensee

FINDINGS OF FACTS,
CONCLUSIONS OF LAW
AND INITIAL ORDER &
***CORRECTED NOTICE RE:
APPEAL RIGHTS******The Notice to Parties attached at the end of this order has been corrected.
Corrections are in bold, italicized print.***STATEMENT OF THE CASE

Pursuant to proper notice to all parties, on the 20th day of May, 2009 and the 24th day of June 2009, Administrative Law Judge Mary Ellen Goodwin conducted in person hearings in at the Gambling Commission Office, 4565 7th Avenue SE, Lacey, Washington, in the matter of the revocation of the Class III Certification and Card Room Employee license of Charles Williams, (license Number 69-01847, Authorizing Class III Employee Activity *formerly* for the Muckleshoot Tribe and Number 68-09447, Authorizing Card Room Employee (CRE) Activity).

H. Bruce Marvin, Assistant Attorney General represented the Washington State Gambling Commission and Charles Williams represented himself. Mr. Williams appeared for hearing on May 20, 2009 but failed to appear on June 24th, 2009. He was held in default on June 24th, 2009.

On December 8, 2008, the director of the commission filed a notice of administrative charges against Charles Williams alleging that his Class III certification and CRE license was subject to revocation under Section V(C)(1)(2) and (4), of the Muckleshoot Tribal- State Compact, RCW 9.46.075(1), (2), (8), and (10);RCW 9.46.153(1); RCW 9.46.185; RCW 9.46.190 (1)-(3) and WAC 230-03-085(1) and (8) for reasons the commission deems to be in the public interest and for violations of the statutes and the rules of the commission.

Charles Williams timely applied for an adjudicative proceeding. The commission notified Charles Williams of the time and the place of the administrative hearings. The May 20, 2009 hearing commenced at 9:00 a.m. but was adjourned at 2:45 p.m. at Mr. Williams' request. The hearing was continued to June 24, 2009 by agreement of all parties.

On June 11th, 2009, David Trujillo, the assistant director of the commission issued an amended notice of administrative charges charging Charles Williams, the certified employee, with violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230 and the Muckleshoot Tribal-State Company. The commission's amended notice charges that Charles Williams violated RCW 9.46.185 and RCW 9.46.190 and is not qualified for certification or licensure under RCW 9.46.153(1). The commission's amended notice alleges that grounds exist to revoke Charles Williams Class III certification and CRE license under RCW 9.46.075(1), (2), (8) and (10), WAC 230-03-085(1) and (8) and Section V(C) of the Muckleshoot Tribal-State Company. The commission's amended notice alleges that on May 5, 2009, Mr. Williams was terminated by the Muckleshoot

Tribal Casino (Casino) and that on or about May 21, 2009, when Casino security staff cut the lock off Charles Williams' assigned employee locker, they found a wallet belonging to another Casino employee, Griselda Maldonado, and a checkbook belonging to Casino employee, Jose Monroy. The commission's amended notice alleges that Ms. Maldonado told a Muckleshoot Tribal Gaming Agent that Mr. Williams did not have permission to possess her property and that \$120 was missing from her wallet. The commission's amended notice further alleges that Mr. Monroy informed a Muckleshoot Tribal Gaming Agent that he had reported the theft of his checkbook from his employee locker in November 2008 and that Mr. Williams did not have permission to possess his checkbook. According to the commission's amended notice, a hearing regarding the revocation of Mr. Williams' Tribal Gaming license by the Muckleshoot Gaming Commission was scheduled for June 25, 2009.

Testimony was offered on behalf of the Commission by WSGC Special Agent Jim Greene, Muckleshoot Tribal Gaming Agent Eagle C. Tovar, Jr., Muckleshoot Tribal Gaming Agent Michael Cassady, and Muckleshoot Tribal Gaming Agent Kim Demarest. A total of 38 Exhibits were admitted into the record. Photographs of the Muckleshoot Tribal Casino patron who lost the \$200 on May 14, 2008 are marked Exhibit No. 38.

Based on a preponderance of the evidence standard, I make the following findings of fact:

FINDINGS OF FACT

1. At all times material hereto, Charles Williams, has been the holder of the following Class III Certification and Card Room Employee License: Number 69-01847, Authorizing

Class III Employee Activity formerly for the Muckleshoot Tribe; Number 68-09447, Authorizing Card Room Employee (CRE) Activity. Charles Williams' Class III Certification and CRE license, which was due to expire July 9, 2009, was issued subject to Mr. Williams' compliance with state gambling laws and regulations.

2. On July 14, 2008, Gambling Commission Special Agent (agent) Jim Greene received information from the Muckleshoot Tribal Gaming Agency (MTGA) about Muckleshoot Tribal Casino employees Valy Vongkoth, Tawn Saechau and Charles Williams. Testimony of Special Agent Jim Greene and Exhibits 1, 2, 3, 4, and 5.

3. On June 5, 2008, the MTGA suspended Valy Vongkoth's Class III-A Gaming License. Exhibit 2.

4. On June 23, 2008, the MTGA revoked Ms. Vongkoth's Class III-A Gaming License. Exhibit 3.

5. On June 23, 2008, the MTGA rescinded their previous decision to revoke the Class III-A gaming license of Tawn Saechao and reinstated her license. Exhibit 4.

6. On June 27, 2008, the MTGA rescinded their previous decision to revoke the Class III-A gaming license of Charles Williams and reinstated his license. Exhibit 5.

7. On or about May 14, 2008, a patron of the Muckleshoot Casino lost \$200. A casino employee found the money and turned it into the lost and found. Testimony of Special Agent Michael Cassady, Eagle C. Tovar, Jr. and Exhibits 6, 8, 9 17, 22, DVD C2-3-0102.

8. By reviewing surveillance tapes, the Muckleshoot Casino Staff identified the female patron who lost the \$200 and a picture of the patron was posted and available to casino staff. Exhibits 6, 18 and 38
9. On or about May 17, 2008, Charles Williams, a Pit Manager for the Muckleshoot Casino, and direct supervisor of Class III employee, Valy Vongkoth, approached Ms. Vongkoth where she was working at a Craps Table and suggested she collect the \$200 from the lost and found and give him half of the money. Exhibits 8, 15, 17, 18 and 19.
10. On or about May 18, 2008 Charles Williams and Valy Vongkoth approached the Security Podium in Casino One and inquired about the \$200 and the photograph of the patron who lost the money. Exhibits 8, 15, 22, DVD C2-3-0102, Part 2.
11. On May 18, 2008. Ms. Vongkoth, and her friend, Class III employee, Tawn Saechau, went to the Security Podium in Casino Two and Ms. Vongkoth claimed the \$200. Exhibits 15, 22, DVD C2-3-0102 Parts 8, 9, and 11.
12. After collecting the \$200 on May 18, 2008, Valy Vongkoth met with Charles Williams and Tawn Saechau and gave them each \$50. Exhibit 15.
13. On May 19, 2008, May 20, 2008, and June 2, 2008, an MTGA agent interviewed Valy Vongkoth. During these interviews, Ms. Vongkoth admitted that the \$200 she claimed did not belong to her and that her friend, Tawn Saechau, also knew that the money claimed did not belong to Ms. Vongkoth. Ms. Vongkoth also admitted sharing the \$200 with Ms. Saechau and Mr. Williams by giving them each \$50. Exhibits 15, 18, 19, 22 and 23, DVD C2-3-0102, Part 8.

14. On May 20, 2008, an MTGA agent interviewed Tawn Saechau. Ms. Saechau admitted knowing that Ms. Vongkoth claimed \$200 that did not belong to her. She also admitted receiving \$50.00 of that money from Ms. Vongkoth. Exhibits, 17, 18, 19, 20, 22 and 23, DVD C2-3-0102, Part 8.

15. When Mr. Williams was interviewed by MTGA agents on May 19, 2008 and May 21, 2008, he provided inconsistent statements to the agents. On May 19, 2008, Mr. Williams reported that Ms. Vongkoth approached him, stating that she had lost \$200. On May 21, 2008, Mr. Williams reported that he had approached Ms. Vongkoth about her losing \$200. Testimony of Special Agent Michael Cassady and Exhibits 17, 18, 21, 22 and 23, DVD C2-3-0102, Parts 4 and 7.

16. Charles Williams initially denied receiving money from Valy Vongkoth, but on May 21, 2008, he admitted receiving \$30 from her. Testimony of Special Agent Michael Cassady and Exhibit 18.

17. In May 2008, Charles Williams conspired with Valy Vongkoth to claim and share money that did not belong to either of them, i.e. the \$200 that had been lost by a Muckleshoot Casino patron on May 14, 2008.

18. On May 5, 2009, Charles Williams was terminated from his employment at the Muckleshoot Indian Tribal Casino (MITC) Testimony of MTGA Agent Kim Demarest and Exhibits 24 and 34.

19. As an employee of the MITC, Charles Williams had an assigned employee locker, 6247, which he was not authorized to share with any one. Exhibits 25, 31, 35 and 36.

20. After Charles Williams' termination, the MITC security department cut the lock off Mr. Williams' assigned employee locker. Testimony of MTGA Agent Kim Demarest and Exhibits 24, 25, 28, 30, and 32.

21. When the lock was cut off Mr. Williams' MITC employee locker, security found a wallet belonging to Casino employee, Griselda Maldonado, and a checkbook belonging to Casino employee, Jose Monroy. Ms. Maldonado identified her wallet as one that had been stolen from her unlocked locker in the employee locker room. Mr. Monroy had previously reported the theft of his checkbook from his unlocked locker. Neither Ms. Maldonado nor Mr. Monroy had given Charles Williams permission to possess their property and Ms. Maldonado reported that \$120 was missing from her wallet. Testimony of MTGA, Agent Kim Demarest and Exhibits 24 through 30, 32 and 33.

22. On October 26, 1998, Charles Williams was found guilty and convicted of third degree assault with a knife, a felony. Exhibit 37, Attachment B.

23. On April 22, 1999, the Washington State Gambling Commission recommended the revocation of the certification of Charles Williams to work at the Muckleshoot Casino based on his criminal history. Prior to charges being issued, the Muckleshoot Tribe revoked Mr. Williams' license. Exhibit 37.

24. On March 30, 2006, Charles Williams, through the Muckleshoot Gaming Commission, applied for a Class III Certification to work in the Muckleshoot Casino. The application Mr. Williams submitted included a Criminal History Statement which instructed him to completely disclose his criminal history. Exhibit 37, Attachment A.

25. On April 7, 2006, Special Agent Richard Schulte was assigned Charles Williams' file to investigate his criminal history record. Exhibit 37, p. 6.
26. On April 10, 2006, Special Agent Richard Schulte informed the licensing manager for the Muckleshoot Indian Tribe that Charles Williams did not qualify for a gambling certification. Exhibit 37, p. 7.
27. On April 11, 2006, the Muckleshoot Commission Chairman requested a Conditional Certification for Charles Williams. Exhibit 37, pp. 7 and 30.
28. In 2006, Charles Williams was granted a conditional certification by the Washington State Gambling Commission (WSGC) to work in a Class III gaming capacity. Exhibit 37, pp. 31-37.

From the foregoing Findings of Fact, I enter the following Conclusions of Law:

CONCLUSIONS OF LAW

1. I have jurisdiction over this proceeding based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Muckleshoot Tribal-State Compact.
2. The Commission has the broad purpose of protecting the public by insuring that those activities authorized by chapter 9.46 RCW do not maliciously affect the public and do not breach the peace. To closely control all factors incident to the activities authorized in chapter 9.46 RCW, the provisions of the chapter shall be liberally construed to achieve such ends. RCW 9.46.010. The general public can find itself in a particularly vulnerable position should a person licensed to conduct gambling activities fail to discharge his occupation with a sense of justice and honesty. RCW 9.46.010.

3. The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. RCW 9.46.075.
4. The commission may deny an application, or suspend or revoke any license or permit issued by it in cases where the licensee has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and amendments thereto, or any rules adopted by the commission. RCW 9.46.075(1)
5. The commission may deny an application, or suspend or revoke any license or permit issued by it in cases where the licensee has knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the rules of the commission. RCW 9.46.075(2)
6. Grounds exist to revoke Charles Williams' Class III Certification and CRE license because Charles Williams knowingly conspired with another, Valy Vongkoth, to violate the laws of this state and the rules of the commission. RCW 9.46.075(1)and (2)
7. Grounds exist to revoke Charles Williams' Class III Certification and CRE license under Section V(C)of the Muckleshoot Tribal-State Compact because Mr. Williams violated, failed and refused to comply with the provisions, requirements, conditions, limitations and duties imposed by provisions of the Tribal/Compact.
8. The commission may deny an application, or suspend or revoke any license or permit issued by it in cases where the licensee fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter. RCW 9.46.075(8)

9. Grounds exist for the commission to revoke Charles Williams' Class III Certification and CRE license because Charles Williams has failed to prove by clear and convincing evidence that he is qualified in accordance with the provisions of this chapter.

10. The commission may, in the public interest, deny an application, or suspend or revoke any license or permit issued by it in cases where the licensee has pursued economic gain in a manner that is in violation of the criminal or civil public policy of this state when there is probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. RCW 9.46.075(10)

11. It is in the public interest for the commission to revoke Charles Williams' Class III Certification and CRE license because, while an employee of the MITC, Charles Williams perpetrated a fraud on the MITC when he conspired with another employee of the MITC to claim and share money from the MITC lost and found that did not belong to either of them. Charles Williams participation in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. RCW 9.46.075(10)

12. RCW 9.46.185 provides that any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

13. RCW 9.46.190 provides, in relevant part, that any person operating any gambling activity who or which, directly or indirectly, shall in the course of such operation employ any

device, scheme, or artifice to defraud or engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

14. Charles Williams violated RCW 9.46.185 and RCW 9.46.190 when he conspired with Valy Vongkoth to claim and share \$200 from the Muckleshoot Tribal Casino lost and found that did not belong to either of them. These violations constitute good and sufficient reasons for suspending or revoking his license to conduct gambling activities.

15. Charles Williams does not possess the necessary qualifications for licensure and is not qualified for certification or licensure under RCW 9.46.153(1) because he violated RCW 9.46.185 and RCW 9.46.190.

16. WAC 230-03-085(1) and (8) provide, in relevant part, that the commission may revoke any license when the licensee (1) commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075 or (8) poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by prior activities, a criminal record, or by the licensee's reputation, habits or associations.

17. The record in this proceeding clearly establishes that Charles Williams does not possess the general character, integrity and ability to engage or participate in, or be associated with, gambling or related activities impacting this state. RCW 9.46.153(8)

From the foregoing conclusions of law, NOW THEREFORE,

INITIAL ORDER

IT IS HEREBY ORDERED that

1. Charles Williams is in default and his appeal is hereby DISMISSED.
2. In the alternative, Charles Williams' Class III Certification and CRE license is hereby REVOKED.

DATED at Olympia, Washington, this 28th day of August, 2009



Mary Ellen Goodwin
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO THE PARTIES

Pursuant to the Washington State Gambling Commission Rules, **WAC 230-17-020**, **WAC 230-17-035** and **WAC 230-17-090**, you have twenty-three days from the date this initial order was mailed to file an appeal of this order known as a "petition for review". The petition for review should specify the parts of the initial order which you disagree with and should refer to the evidence in the record that supports your position. If you decide to petition for review, you must serve copies of your petition on all parties or their representatives at the same time you file with the Gambling Commission. If a petition for review is not received by the Gambling Commission within 23 days of the date this initial order was mailed, the Commission will automatically adopt this order, and it will thereby become final.

Any party may file a written response to a petition for review, known as a reply. If you wish to file a reply, it must be filed with the Commission within thirty days of the date you are served with the petition. You must serve copies of the reply on all parties or their representatives at the same time you file your reply.

Any party may file a cross appeal. Cross appeals must be filed with the commission within ten days of the date when the petition for review was filed with the Commission, pursuant to **WAC 230-17-090** and **WAC 230-17-035**. If you wish to make a cross appeal, you must serve copies of the cross appeal upon all other parties or their representatives at the same time you file your cross appeal.

If a petition for review is timely filed with the commission, then at least a majority of the Commission members shall review the petition within one hundred and twenty days after the petition is filed and render a final order. **WAC 230-17-090.**

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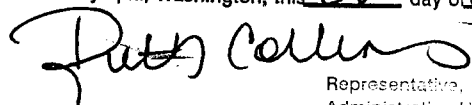
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STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of this document upon all parties of record in this proceeding by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington, this 28 day of August 2007.



Representative, Office of
Administrative Hearings